

Message Text

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ORIGIN EA-10

INFO OCT-01 ISO-00 EB-07 SS-15 L-02 H-01 NSC-05 SSO-00

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EB/IFD/OIA:RJSMITH

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FM SECSTATE WASHDC

TO AMEMBASSY JAKARTA IMMEDIATE

C O N F I D E N T I A L STATE 043637

E.O. 11652: GDS

TAGS: CPRS, BEXM, EINV, ETRD, ID

SUBJECT: P.T. BAUD CASE

1. SULLIVAN IS RAPIDLY STEPPING UP HIS EFFORTS TO EXERT PRESSURE ON GOI BY DRAWING ATTENTION OF INFLUENTIAL PEOPLE IN BOTH LEGISLATIVE AND EXECUTIVE BRANCH TO P.T. BAUD CASE AGAINST GOI. TO AVOID ANTICIPATED CONFRONTATION, WE ARE CONSIDERING POSSIBILITY OF ATTEMPTING TO GET BOTH SIDES TO AGREE TO SUBMIT DISPUTE TO CONCILIATION OR ARBITRATION. AMBASSADOR'S SUGGESTION LAST FALL THAT FACILITIES OF INTERNATIONAL CENTER FOR SETTLEMENT OF INVESTMENT DISPUTES (ICSID) BE USED MIGHT PROVIDE THIS OPPORTUNITY CONVENTION ESTABLISHING CENTER ENTERED INTO FORCE FOR GOI OCTOBER 28, 1968.

2. WE HAVE NOT SUGGESTED THIS TO SULLIVAN, BUT HAVE ASKED HIM INFORMALLY HOW HE MIGHT VIEW ARBITRATION. ALTHOUGH PROFESSING CONFIDENCE THAT SEA OIL WOULD WIN AN ARBITRAL AWARD, SULLIVAN SAID HE HESITATES TO PERMIT GOI OPPORTUNITY TO DELAY SETTLEMENT OF HIS CLAIM FOR ANOTHER FEW YEARS. DHARMAN REPORTEDLY TOLD ATKINSON SOMETIME LAST YEAR THAT GOI WOULD BE ONLY TOO HAPPY TO ARGUE CASE FOR TWO-THREE YEARS IN GENEVA.

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3. BEFORE WE TAKE ANY STEPS TO URGE CONCILIATION/ARBITRATION UPON SULLIVAN AND GOI, MAY WE HAVE EMBASSY VIEWS ON

APPROPRIATENESS THIS COURSE OF ACTION AND LIKELIHOOD GOI WOULD BE WILLING TO SUBMIT BAUD CASE TO ICSID OR OTHER THIRD PARTY. WE WOULD PREFER THAT GOI OFFICIALS NOT BE APPROACHED AT THIS STAGE. KISSINGER

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